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Representing the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Case No. 2:17-cr-14-JAD-PAL

Plaintiff,

SECOND STIPULATION TO CONTINUE SENTENCING

vs.

PAUL M. MARCINIAK,

Defendant.

It is hereby stipulated and agreed between the United States of America, by and through

Dayle Elieson, United States Attorney, and Daniel J. Cowhig, Assistant United States

Attorney, and Thomas Ericsson, Esq., counsel for defendant PAUL M. MARCINIAK, that the

sentencing hearing set for Monday, January 14, 2019 at 10:00 a.m. in Courtroom 6D before the Honorable John W. Coughenour.

1 2. The additional time requested by this stipulation is reasonable pursuant to
2 Federal Rule of Criminal Procedure 32(b)(2) which allows that "the Court may, for good cause,
3 change any limits prescribed in this rule;"

4 3. Both counsel request this additional time to allow adequate time to research
5 sentencing issues and prepare for the sentencing hearing;

6 4. This is the second such request for continuance.

7 For these reasons, the ends of justice would best be served by a continuance of the
8 sentencing hearing to a date and time convenient to the Court but no earlier than 30 days
9 hence.

10 A proposed order is attached.

11 Respectfully Submitted: January 10, 2019

12 Counsel for the Defendant
13 PAUL M. MARCINIAK

DAYLE ELIESON,
United States Attorney

14 _____/s//_____
15 THOMAS ERICSSON, Esq.
Oronoz & Ericsson, LLC

_____/s//_____
DANIEL J. COWHIG
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

VS.

PAUL M. MARCINIAK,

Defendant.

Case No. 2:17-cr-14-JAD-PAL

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Findings of Fact

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is a joint request by counsel for the United States and for the defendant;

2. The additional time requested by this stipulation is reasonable pursuant to

Federal Rule of Criminal Procedure 32(b)(2) which allows that “the Court may, for good cause, change any limits prescribed in this rule.”

3. Both counsel request this additional time to allow adequate time to research sentencing issues and prepare for the sentencing hearing;

4. This is the second such request for continuance.

Conclusions of Law

The ends of justice would be served by granting a continuance of the sentencing hearing.

Were the continuance not granted, it would likely result in a miscarriage of justice, deny the parties sufficient time to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

ORDER

IT IS HEREBY ORDERED that the sentencing hearing currently scheduled for Monday, January 14, 2019 at 10:00 a.m. is continued to February 25, 2019 at the hour of 10:00 a.m.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: 1/11/2019